

REMARKS

This is in response to the Office Action dated March 27, 2006. Claims 8 and 10-13 are pending in this application. In the Office Action of March 27, 2006, the Examiner rejected claims 8 and 11-13 under 35 U.S.C. § 102(e) as being anticipated by Desphande et al., U.S. Patent Application Publication No. 2003/0039340 ("Desphande") and rejected claim 10 under 35 U.S.C. § 103(a) as unpatentable over Desphande in view of Mani, U.S. Patent No. 6,628,763. The Examiner also rejected claim 10 under 35 U.S.C. § 112.

In this amendment, claim 10 is amended to more particularly and distinctly claim the present invention and to overcome the Examiner's rejection. In particular, claim 10 is amended such that the "user device profile" explicitly refers to the calling user device. The Examiner's rejections in light of the prior art are respectfully traversed below on the basis that the claims include certain novel limitations not disclosed in Desphande or Mani, considered separately or in combination.

Claims 8 and 10-13 are Patentable

The Examiner rejected claims 8 and 10-13 as being unpatentable in view of Desphande alone, or Desphande in combination with Mani. The Applicants respectfully traverse these rejections on the basis that the claims include certain novel limitations not disclosed in Desphande or Mani in combination or separately. In particular, Desphande does not disclose the claimed speech-to-text conversion in the context of a call. In addition, Desphande does not disclose the step of "sending to the calling user device an indication that text is desired."

Claim 8 recites a method for receiving text messages. In accordance with the method the text message is received when a call is made. More specifically, the first step of the method recites "receiving an *incoming call* from a calling user device." It is only after the called device responds indicating that text is desired

that there is the possibility to receive the text message. Desphande, on the other hand, discloses a method for strictly receiving text messages. Desphande is not at all concerned with, nor does Desphande disclose the receipt of text messages in the context of a call, as recited in independent claim 8 and its dependent claims. The option to receive a text message in lieu of a voicemail message in the context of a call is an improvement over the prior art, namely, only text messages (*i.e.*, Desphande), or only voicemail messages.

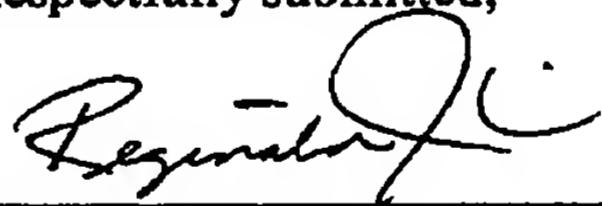
In addition, independent claim 8 requires a step of "sending to the calling user device an indication that text is desired." No such step is disclosed in Desphande. Indeed, the Examiner notes in the office action that this step is "not shown." See Office Action, page 3.

Mani fails to provide the teachings missing from Desphande. And a combination of Desphande and Mani still fails to disclose teach or suggest the novel elements of claim 8. Therefore, claim 8 and its dependent claims, 10-13 are patentable over the cited prior art.

CONCLUSION

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,



Reginald J. Hill
Registration No. 39,225
Attorney for Applicant

Date: June 27, 2006

JENNER & BLOCK LLP
One IBM Plaza
Chicago, IL 60611
(312) 222-9350

CHICAGO 14209571